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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,047	07/08/2003	Cechan Tian	064731.0340	3918

5073 7590 07/27/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
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SINGH, DALZID E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/615,047		TIAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dalzid Singh		2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "communicating to the optical network channels..." It appears that there maybe an element missing in the claim for communicating the information. It is unclear how the information is communicated to the optical network channels.

Claim 1 recites, "communicating to the optical network channels..." It appears that there maybe an element missing for communicating the information. It is unclear how the information is communicated to the optical network channels.

***Allowable Subject Matter***

3. Claims 10-16 are allowed.

Claim 10 is allowed because the prior art of record US Patent No. 5,915,052 to Ball does not teach or fairly suggest a system for management of directly connected optical components, comprising:

an in-service monitor coupled to an optical network, the in-service monitor operable to:

monitor optical traffic communicated on the optical network, the optical traffic comprising one or more network channels;

determine network channel information of the one or more network channels;  
and

communicate the network channel information to a network control coupled to the in-service monitor;

one or more filters coupled to a source and to the network control, each filter operable to:

receive one or more source channels of a source optical signal; and

block from communication to the optical network one or more of the received one or more source channels; and

the network control operable to control the one or more filters to block any of the one or more source channels that interfere with any of the one or more network channels.

Claim 13 is allowed because the prior art of record US Patent No. 5,915,052 to Ball does not teach or fairly suggest a system for management of directly connected optical components, comprising:

an in-service monitor coupled to an optical network, the in-service monitor operable to:

monitor optical traffic communicated on the optical network, the optical traffic comprising one or more network channels;

determine network channel information of the one or more network channels;  
and

communicate the network channel information to a network control coupled to  
the in-service monitor;

a channel monitor coupled to the network control, the channel monitor operable  
to:

receive one or more source channels of a source optical signal;  
determine source channel information of the one or more source channels; and  
communicate the source channel information to the network control; and the  
network control operable to:

determine from the network channel information and the source channel  
information if any of the one or more source channels interferes with any of the one or  
more network channels; and

communicate to the optical network channels of the one or more source  
channels that do not interfere with any of the one or more network channels.

***Allowable Subject Matter***

4. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s)  
under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Korotky et al (US Patent No. 6,947,670) is cited to show optical add/drop arrangement for ring networks employing wavelength division multiplexing.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

7/23/06

Dalzid Singh